

1231-218



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sally Mackenzie

Serial No. 10/806,038

Art Unit: 1638

Filed: March 22, 2004

Examiner: A. Kubelik

For: **IMPLEMENTATION OF A
MITOCHONDRIAL MUTATOR**DECLARATION UNDER 37 C.F.R. '1.132

Commissioner of Patents
P O Box 1450
Alexandria VA 22313-1450

Sir:

I, Sally Mackenzie, of 920 N. 88th Street, Lincoln, Nebraska 68505, hereby

declare that:

Since 1982, I have been involved in scientific research on cytoplasmic genetics
of plants.

I am the inventor of the invention described and claimed in the above-identified
application and am familiar with the Office Action dated September 26, 2006, in which
the Examiner alleges that claim 15 is anticipated by 35 U.S.C. 102(b) by Redei (1973,
Mutation Res. 18:149-162) taken with the evidence of the instant specification. The
Examiner also alleges that claim 15 is anticipated by 35 U.S.C. 102(b) by Martinez-